



Town of Moultonborough Planning Board

Notice of Decision

Amendment to Previously Approved Site Plan Review Permit Nica-Lee Realty Trust/Tax Map 44, Lot 33

December 21, 2009

Applicant: Nica-Lee Realty Trust
P.O. Box 52
Moultonborough, NH 03254
Location: NH Route 25 (Tax Map 44, Lot 33)

On October 14, 2009 the Planning Board of the Town of Moultonborough opened a Public Hearing on the application of Nica-Lee Realty Trust, P.O. Box 52, Moultonborough, NH 03254 (hereinafter referred to as the “Applicant” and/or “Owner”) to allow for an Amendment to a previously approved Site Plan for modifications to the structure, drainage and parking, for the site, located in the Commercial C Zoning District.

The Public Hearing was continued to November 10, 2009, November 24, 2009, December 9, 2009 and December 21, 2009. The Public Hearing was closed on December 21, 2009. At the regularly scheduled Planning Board meeting on December 21, 2009, the Board voted by a vote of five (5) in favor (Ryerson, King, Coppinger, Fairchild, Taussig), none (0) opposed, to **GRANT** the applicant’s request for an amendment to the previously approved Site Plan approval, subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, “Site Plan – Land of Nica-Lee Realty Trust, Michael J. Morgan Trustee (Tax Map 44, Lot 33)”, prepared by David M. Dolan Associates, P.C., 87 Whittier Highway, Moultonborough, NH 03254, dated September 22, 2009, and revised December 3, 2009.

2. Amendments

Any modification to the approved amended plan created by David M. Dolan Associates, P.C., titled “Site Plan – Land of Nica-Lee Realty Trust, Michael J. Morgan Trustee (Tax Map 44, Lot 33) dated December 3, 2009 and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

3. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved site plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this site plan review shall be placed on the final plans, or this decision shall be recorded with said plans, at the Carroll County Registry of Deeds, in accordance with RSA 676:3 (I), within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

4. Site Plan Regulations

The Site shall be constructed in accordance with the requirements of the Site Plan Regulations and any other applicable rules and regulations as affected by this decision.

5. Fire Department

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

6. Office of the Building Inspector

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

7. Utilities

Any utility installation shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of a Building Permit.

8. Lighting

All lighting shall be in conformance with the Town of Moultonborough Zoning Ordinance and Site Plan Regulations.

9. Maintenance

A signed Maintenance Agreement shall be submitted to the Land Use Office for acceptance prior to endorsement of the plans. Said Maintenance Agreement shall include schedules for cleaning of all drainage infrastructure and other similar infrastructure maintenance items to ensure their proper functioning and shall include the following:

- a. Refuse removal, ground maintenance and snow removal shall be the responsibility of the applicant.
- b. Winter snow in excess of snow storage areas on the site shall be removed off site.
- c. The parking/staging areas shall be swept at least twice a year to remove debris. Said debris shall be removed off site and properly disposed of.
- d. All vegetation on the site shall be trimmed and maintained to ensure visibility of all signs and to ensure proper functioning of stormwater structures.

10. Signage

Any proposed signage shall be in compliance with the Town of Moultonborough Zoning Ordinance, Article 5, and shall be reviewed and approved by the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy for the site.

11. E-911 Numbering

The site shall conform with the Town of Moultonborough Building Numbering System Ordinance (Section 20), prior to the issuance of a Certificate of Occupancy for the site.

12. As-built Plans

As-built plans, stamped by a Registered Professional Engineer, shall be submitted to the Land Use Department and the Road Agent within six (6) months of endorsement of the plans.

13. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

14. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

15. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

R. Natt King
Vice-Chairman, Planning Board

Date _____